

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SARAH MORGULIS, on behalf of herself and
all others similarly situated,

Plaintiff,

-against-

Bus Patrol America, LLC,

Defendant.

Case No. 1:24-cv-00113-ER

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Brad Conrad, dated March 1, 2024, the exhibits attached thereto, and the accompanying Memorandum of Law dated April 12, 2024, and upon all prior pleadings and proceedings herein, Defendant BusPatrol America, LLC s/h/a Bus Patrol America, LLC (“Defendant” or BusPatrol”) will move this Court, before the Honorable Edgardo Ramos, at the United States Courthouse, Southern District of New York, 40 Foley Square, New York, New York 10007 on a date and time to be determined by the Court, for an Order:

- (i) dismissing Plaintiff’s First Amended Class Action Complaint pursuant to
 - (a) Fed. R. Civ. P. 12(b)(1), (6) and (7); and (b) Fed. R. Civ. P. 9(b) for failure to state particular circumstances constituting fraud or mistake; and
- (ii) for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to this Court’s directive issued on March 22, 2024, opposition papers, if any, are due by May 3, 2024, and Defendant’s reply in response to any opposition is due by May 10, 2024.

Dated: April 12, 2024

NIXON PEABODY LLP

By: /s/Timothy D. Sini
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